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3 **State of Washington**
4 **GROWTH MANAGEMENT HEARINGS BOARD**
5 **FOR EASTERN WASHINGTON**

6 SCOTT SIMMONS,

Case No. 04-1-0011

7 Petitioner,

ORDER OF DISMISSAL

8 v.

9 STEVENS COUNTY,

10 Respondent,

11 LARSON BEACH NEIGHBORS and JEANIE
12 WAGENMAN,

13 Intervenor.
14

15 **I. PROCEDURAL HISTORY**

16 On September 13, 2004, SCOTT SIMMONS, by and through his representative, Scott
17 Simmons, filed a Petition for Review.

18 On October 4, 2004, Larson Beach Neighbors and Jeanie Wagenman filed a Motion
19 to Intervene.

20 On October 8, 2004, the Board received a Notice of Appearance filed by Peter Scott.

21 On October 11, 2004, the Board held a telephonic Prehearing conference. Present
22 were, John Roskelley, Presiding Officer, and Board Members Judy Wall and Dennis Dellwo.
23 Present for Petitioner was Scott Simmons. Present for Respondent was Lloyd Nickel and Mr.
24 Scott.

25 On October 12, 2004, the Board issued its Prehearing Order.
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1 On October 18, 2004, the Board received Petitioner's and Respondent's Objection to
2 Larson Beach Neighbors and Jeanie Wagenman's Motion to Intervene.

3 On October 25, 2004, the Board received Intervenor's Response to Respondent and
4 Petitioner's Objection to Larson Beach Neighbors and Jeanie Wagenman's Motion to
5 Intervene.

6 On November 1, 2004, the Board issued its Order on Motion to Intervene.

7 On November 1, 2004, the Board received Petitioner's Motion to Supplement the
8 Record. Also on November 1, 2004, the Board received Intervenor's Motion to Supplement
9 Record Clarification of admitted exhibits.

10 On December 7, 2004, the Board held a telephonic Motion Hearing. Present were,
11 John Roskelley, Presiding Officer, and Board Members Judy Wall and Dennis Dellwo. Present
12 for Petitioner was Scott Simmons. Present for Respondent was Lloyd Nickel and Mr. Scott.
13 Present for Intervenor was Jeanie Wagenman.

14 On December 10, 2004, the Board issued its Order on Motions.

15 On December 17, 2004, the Board received a Stipulated Motion for Continuance
16 requesting a sixty (60) day extension to allow for mediation signed by the parties.

17 On December 22, 2004, the Board issued an Order on Stipulated Motion for
18 Continuance.

19 On February 28, 2005, parties met with Margery Hite for purposes of mediation.

20 On March 3, 2005, the Board received from Respondent's attorney, Peter Scott, a
21 letter advising mediation was unsuccessful and the above case should move forward on the
22 merits.

23 On March 4, 2005, the Board issued its Amended Order on Stipulated Motion for
24 Continuance.

25 On March 21, 2005, the Board received a Motion for Order of Voluntary Dismissal
26 from Petitioner Scott Simmons.

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II. ORDER

Based on the information provided to the Board in the Motion for Dismissal and no objections received by the parties, the Board hereby dismisses Case No. 04-1-0011.

Pursuant to RCW 36.70A.300(5) and RCW 34.05.542(2), this is a Final Order for purposes of appeal. Any appeal of this Order shall be served in person on the Board by the 30th day from the date of service. Pursuant to WAC 242-02-832, a motion for reconsideration may be filed within ten days of service of this Order.

SO ORDERED this 7th day of April 2005.

EASTERN WASHINGTON GROWTH MANAGEMENT
HEARINGS BOARD

John Roskelley, Board Member

Judy Wall, Board Member

Dennis Dellwo, Board Member